IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

Mat.Appeal.No. 116 of 2007()

OP.672/2006 of FAMILY COURT,THRISSUR
.....

APPELLANT/PETITIONER

KAMALJEETH, S/O. THIRUNALVELI
IBRAMKHAN, KATTUNGACHIRA, IRINJALAKUDA,
THRISSUR DISTRICT.

BY ADV. SRI.K.G.BALASUBRAMANIAN
SMT.AMBILY (PREMKUMAR)

RESPONDENTS: RESPONDENT

SAJINI, D/O. KALLUVETTIKUZHIPARAMBIL
SULAIMAN, MARAATHUKUNNU, VADAKKANCHERY,
THALAPPILLY TALUK, THRISSUR DISTRICT.

BY

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 10/04/2007, ALONG WITH M.A.No.117/2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

M.A.No.116 & 117 of 2007

Dated this the 10th day of April, 2007

JUDGMENT

Sankaran,J.

Mat.Appeal Nos.116/2007 and 117/2007 arise repectively out of O.P.No.672/2006 and O.P.No.920/2006, on the file of the Family Court, Thrissur. O.P.No.672/2006 was filed by the husband Kamaljeeth for restitution of conjugal rights, while O.P.No.920/2006 was filed by Sajini, the wife, for dissolution of marriage under Section 2 of the Dissolution of Muslim Marriages Act, 1939. The Family Court allowed the original petition filed by the wife for dissolution of marriage and dismissed the original petition filed by the husband for restitution of conjugal rights.

2. The disputes between the parties have been amicably settled. The parties are present today along with their parents. It is submitted that the parties do not wish to continue the marital relationship. It is agreed that the observations made by the Family Court in the order impugned against the husband can be expunged. In view of the agreement between the parties to

confirm the decree of divorce, Mat. Appeal No.116/2007 filed by the husband challenging the dismissal of his application for restitution of conjugal rights has become infructuous. Mat. Appeal No.116/2007 is accordingly dismissed.

3. It is submitted by the parties that O.P.No.915/2006 filed by the wife for return of gold ornaments and cash is pending before the Family Court. It is agreed by the parties that if the husband Kamaljeeth pays a sum of Rs.2,25,000/- within a period of three months from today to Sajini, the wife, in full and final settlement of all the claims made by her, O.P.No.915/2006 could be disposed of as settled out of court. In view of the agreement between the parties regarding the amount to be paid by Kamaljeeth to Sajini, it is submitted by counsel appearing for both parties that the Family Court, Thrissur may be directed to pass a decree in favour of Sajini for a sum of Rs.2,25,000/- and dispose of O.P.No.915/2006 accordingly. There will be a direction to the Family Court, Thrissur to dispose of O.P.No.915/2006 in the light of the agreement between the parties that Kamaljeeth shall pay an amount of Rs.2,25,000/- to

Sajini within a period of three months from today. It is agreed before us by Sajini that the agreement arrived at between the parties to pay a sum of Rs.2,25,000/- to her includes all her possible claims under the Muslim Women (Protection of Rights on Divorce) Act, 1986 as well, and that she would have no further claim either under that Act or under any other law for maintenance from Kamaljeeth.

Mat. Appeal No.117 is disposed of as above. The Family Court is directed to dispose of O.P.No.915/2006 in the manner indicated above.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.